ALLEY'S ALLEGED BUTCHERY

A Legal Contest Over the Blood Spots on the Accused.

THE CORONER'S STORY.

Ellis' Hat and Skull Exhibited in Court.

Uncertain Testimony Concerning the Autopsy.

ANALYTICAL TESTS.

The State Assayer Proves the Blood in the Stable To Be from a Human Being.

THE DEFENCE.

Prisoner's Counsel Has Everything Explained as Clear as Mud.

BOSTON, Feb. 6, 1873. The Alley trial still continues to be the topic uppermost in the public mind. Little else is thought of and scarcely anything else talked of. The attendance of spectators upon the proceedings continues abundant, but the numbers who gain ssion are only a fraction compared with those who are refused from lack of accommodation. The public feeling is that Alley killed Ellis, and then cut up the body and threw it into the Charles River to conceal his crime; but there are numerously-expressed doubts about the jury sharing in this belief to such an extent as to render such a verdict as will require the execution of the death penalty. If it is shown that the killing was upon the spur of the moment and not premeditated, murder in the second degree and prison for life will be the verdict and penalty. Everything, however, is now shrouded in mystery, and at each progressive step the investigation becomes more nteresting and the result more doubtful. Alley himself is still the self-collected and cool man that he has been all through, and, notwithstanding the overwhelming circumstantial evidence against him, his apparent confidence or indifference cannot fail to produce an impression upon the jury, as well as the spectators. If the accused is guilty, he is certainly a man of wonderful nerve; and if he is innocent, he bears up under the weight of suspicion and circumstances in the most won-

derful manner. Upon the Judges taking their seats Judge Wells lelivered the opinion of the Court on the question the admissibility of the testimony of a witness who saw Ellis on Election Day, while the latter was lookthe government to show by the witness that on the morning in question Ellis was in search of Alley, and it may be shown by conduct or word, not as a declaration, but as an act. Aside from the testimony of the surgical, medical and chemical experts, the testimony during the earlier part of the day's proceedings was only corroborative of that already elicited and heretofore reported in the

CORONER PAYE'S STORY. Dr. John W. Faye, one of the principal Coroners of Boston, was the first of his profession placed on the stand. His story was as follows:—1 went with tain Savage and others to the stable of Alley on the 9th of November; the officers were examin ing the interior for an axe when I arrived; I had been sent for by Savage; saw blood stains on sides of a stall and on the boards on the side of the building and stanchions; these are the boards and post—(here the witness pointed out the stains alluded to)—they appear such the same now, though not so brilliant as then; apparently they are dry, faded and dull now; have had experience in examblood stains; have made 400 or 500 autopsies and a great many investigations as a coroner and physician; have had no experience in testing whether blood stains were recent or old: the scarlet appearance of the blood and its mess showed that it was recent; I found a shaving on the manure which had a fresh spot as large as a dime; the blood had not stained the wood to any depth and could be scraped off easily; the manure heap was loose on the top and

the bottom was hard and compact, heated and dried; after blood leaves the system it soon becomes hard and coagulated; blood would remain on a surface such as snow and not soak in like water; the

QUANTITY OF BLOOD IN A SYSTEM

equals about one-eighth or one-ninth of the whole weight; the comparison is a chemist's pint to a pound; from one-half to five-eighths or the blood would run out of a body if suspended, and about one-half if ying dewn—denthied clothing from one-half if ying dewn—denthied clothing from one-half if ying dewn—denthied clothing from such which were examined microscopically—the blood in a human system commences to coagulate within two hours after death, and continues for twelve hours, when it becomes hard and gluthous—(witness pointed out several blood spots on the clothing taken from Alley, which were exhibited—the large stains were taken out and given to Dr. Hayes for analysis.

Cross-examined—thave had no experience in washing clothes; blood stains are easy to determine; can't swear that these stains are blood; Dr. Hayes and I removed the pieces from the clothes on the morning of November 9 (Saturday) at the Fifth police station; the pieces were placed in an envelope and were taken possession of by Dr. Hayes; they were all cut out by Dr. Hayes, in my presence, or by myself; the spots of blood on the pantaloons presented a more rusty appearance than those on the rest of the clothing; have said the blood on the drawers was menstrual blood, and think so new;

Was not menstrand blood; when a body is warm the blood commences to coagulate immediately; a drop of blood would coagulate unless it was so small and thin that it would dry; could tell whether blood had been on a board on the menstrand blood, when a body is warm the blood on the months; have no fulle to determine such time, but do it from personal observations and experience; the stain would be deeper in a longer time if blood, though dry, could be removed by a knife, and bad not penetrated the composition of the wood; I should say that i

blood said to have been taken from Mr. Ellis; found it the same, but science does not admit of certainly in this respect; science can only decide that it is human blood, and can say it is not horse's or menstrual blood; the blood of certain animals is very like human blood, the elephant for instance; the blood on the right made of the drawers was doubtful, because it consained more of the white corpuscles; it was one

of the least distinct stains; should say it was not pure blood; the blood on the right knee of the trowsers was pure blood, and not horse's or menstrual blood; it was similar to that on the drawers; it corresponded also in size and position to the stains on the inside of the vest and those on the planks and the blood from the supposed victim are similar, and are neither horse's nor menstrual blood; there was a clot of blood on the inside of the lining of the cost, which was not horse's or menstrual blood; examined a piece of barrel size which had blood on it; I divided my specimens with Dr. Chase on the 18th of January; I reside in Brockline, and am familiar with localities in that vicinity; leave my house at eight o'clock and ride down on horseback; hear the Brockline bells ring every morning; get up by the seven o'clock bells.

Cross-examined—Began the examination of the blood spots on the 9th of November, and have continued it at intervals; blood is determined by a chemical analysis and microscopic examination; no other substance can be mistaken 'or blood; the tests are delicate; the microscope determines its mechanical structure and the chemical analysis its composition.

The composition of the blood of various kinds

composition.

The composition of the blood of various kinds was here given by the witness technically, and the difference between human and animal blood stated. The corpuscles in norses' blood are about one-third smaller than in human blood; eighty per the control of the cont one-third smaller than in human blood; eighty per cent of blood is water, the rest being solid matter, composed of red and white corpuscles; in making the examination I restored the dry blood to the condition in which it was when warm and fresh, by the application of a fuld; this was done before the microscopic examination; the differences between the different specimens of human blood are very slight and hardly distinguish-able; between human and horses! blood they are very marked and distinct.

the differences between the different specimens of human blood are very eight and hardly distinguishable; between human and horses' blood they are very marked and distinct.

THE PHYSICIAN WHO MADE THE AUTOTST.

Dr. John Hildreth testified—I reside in Cambridge; made the autogsy in the Ellis case; began it forty-two hours after the body was said to have been taken from the river, on Friday, at ten o'clock; the head was completely severed from the body; the legs also were completely severed, about in the middle of the upper portion; the skin, normal in condition, was black and blue around the wounds; pupils equally dilated and normal abrasion on the cheek; on the head were four lacerations or contusions—(desoribed by witness)—on removing the scalp I found it filled with blood, and more congested near the wounds than at the other points; the veins of the body were almost empty of blood; the cuts were from an inch and quarter to three inches in length; they were not smooth or made with the edge of a sharp instrument; I am of opinion, from the condition of the wounds in the head, that they were made with an angular instrument rather than a blunt one.

ELLIS' SKULL AND HAT EXHIBITED.

The skull of Abljah Ellis was here exhibited and identified by the witness, who proceeded to point out and explain to the jury the position of the wounds as they were found when the autopsy was made. The hat supposed to belong to Ellis was placed on the skull, and it was shown that the cut in it would correspond with one of the wounds.

Witness continued—From the phenomena here exposed it would be hard to draw an interence as to which wound was first made; there was nothing to show that there was any great interval of time between the blows; could not tell whether the large wound on the head was made while the hat was on; the veinous system was nearly clear of blood; it is probable that the stomach; even the stomach; could not tell how long after eating the person died; with reference to the condition of the stomach, bread and milk will now long and milk will digest in from two to three hours and leave the stomach; the blow on the rear base of the skull was sufficient to produce insensibility; the wounds on the head of Ellis were all fiesh wounds but one, that at the rear of the head, which the wounds on the head of Ellis were all flesh wounds but one, that at the rear of the head, which was a fracture; cannot conceive of all these injuries being inflicted at the same time; the wounds were of such a character as to make such a theory improbable; there was no mark of any sharp instrument coming in contact with the skull; very hard blows are sometimes struck without the skull being fractured; from two to three hours is the time usually given by the authorities for the digestion of bread in a common nature and with the usual mastication; there were about two large tablespoonfuls of a write-yellowish fluid; there were little holes in the mucous membrane, such as I never before saw, and which attracted my attention; they were evidently of a post-mortem formation, but did not indicate disease; it is common for the stomach to contain liquid, but not of so so whitish a character.

The testimony for the government was all in by

tion; they were evidently of a post-mortem formation, but did not indicate disease; it is common
for the stomach to contain liquid, but not of so
so whitish a character.

The testimony for the government was all in by
the middle of the atternoon and then the case was
immediately opened for the delence.

Mr. Dabney, one of the counsel, made the opening argument. He elaborated at length upon all
the legal advantages his client was entitled to,
and, in adverting to his previous good character,
said that his old neighbors would be called upon to
testify. Coming more directly to the line of defence
which it was proposed to establish Mr. Dabney
said that they would prove that on the evening of
the 5th of November Alley left his stable at the
usual time, went home and ate his supper. His
daughter Anna took off the work done during the
day, as was the usual custom. Then a conversation
ensued about a stove, which one of Alley's
in Metropolitan place, and had forgot to
deliver it, leaving it in the alley very near their
stand. As it looked like rain Alley said he would
go down and look after it. About half-past seven
o'clock he left his house to look after the stove.
The time would not only be fixed by Alley's
family, but by other witnesses. Alley went
to the stand, and, after covering up the
stove, he went into Ristun's store, where his son
Wilbor was employed. In the store Alley had a
conversation with several people, and it would be
shown that he was there after eight o'clock. After
coming out Alley met a man named Armstrong
and went into Moore's saloon and had a drink
there. Alley started for home, and got there a little before a quarter of nine o'clock. During that
hour it was claimed by the prosecution that Alley
had time to go to his stand, then to
his stable, kill Ellis, cut him up and pack him in
harrels and then go home. This Mr. Dabney

has table, kill Ellis, cut him up and pack him in barrels and then go home. This Mr. Dabney characterized as preposterous, It would be proved that Alley went to Charlestown street and got a load of blinds, which he took up to Harrison avenue; then Alley went to his stand and from there to Harrison avenue, where he assisted one of his men in loading some furniture. He next went to collect naoney owing him, and it would be shown that all his acts and his whereabouts were consistent with innocence.

HOW THE BLOOD CAME IN THE STABLE.

As to the blood found in the stable the following explanation was given:—Alley had a sick horse and it became necessary to send for a horse dector. The horse was bled, and while it was being done the animal broke away and rushed up to the side of the barn, spattering the boards with blood, which also ran upon Alley's clothing and into the manure heap. The very doctor who saw the blood spilled by the horse, after hearing of the arrest of Alley and the suspicions against him on account of the blood found in the stable, went out there and found it to be the same that came from the horse. When the medical men went upon the stand and testified to the difference between human blood and horses' blood they went too far. Mr. Dabney next detailed the whereabouts of Alley on Wednesday morning, the going to his stable, the barrels in his wagon and his subsequent trip down town, the statement nearly coinciding with the testimony of the government witnesses. As to the barrels, it would be shown that they were leit as described by Alley and that he did not have them after going to his stand.

Mr. Dabney them alluded the would be shown that they were leit as described by Alley and that he did not have them after going to his stand.

Mr. Dabney them alluded to hold the circumstances testified to by the officers. The great trouble in such cases was that the danger of conversations and confered by the statement so the honest in which the remains of the same promoters and account of the same promoters an

To the Attorney General—I did not observe the clothing Alley had on.

At this point Mr. Somerby asked for an adjournment, stating that if allowed to see his witnesses he might so arrange his defence as to save considerable time.

The Court yielded to the request, and adjourned till nine o'clock to-morrow morning.

THE DURYES MURDER.

Simmons Still at Bellevue Hospital. John E. Simmons, the slayer of Nicholas Duryes, still remains at Bellevue Hospital. Yesterday morning Deputy Sheriff Seebacher visited the hos-pital to see that his prisoner was all right and to ascertain if his condition was such that he could be removed with safety. Simmons was wonderfully calm and collected, notwithstanding the severe disappointment he has met with, and he spoke cheerfully to the Sub-Sheriff. The latter, after satisfying himself that all was right, left, previously informing Simmons that the Sheriff would come to the hospital in the afternoon and determine what was to be done. Dr. Wood arrived during the forenoon, and after examining his patient still adhered to the opinion he had expressed the previous day—that the removal could not well be made without bad consequences ensuing. He was sustained by the House Surgeon, and the prisoner himself stated that his transfer would be very injurious to him, as he felt that his leg was worse on account of the short distance he had been taken on the last day of the inquest.

The Sheriff and Mr. Judson Jarvis came to the hospital about five o'clock in the alternoon, and at once proceeded to Simmons' cell. One of the brothers of Simmons was in the cell when the Sheriff arrived. The Sheriff informed Simmons that in consequence of the representations of the physicians he (the Sheriff would consent to letting him remain where he was until Monday morning, when he is to be arraigned. Simmons thanked the Sheriff, stating that he was sorry to be the cause of somuch trouble. The Sheriff and his deputies then left. Before leaving the warrant was placed in the hands of Warden Brennan, with strict instructions that no one was to be allowed to remove the prisoner without an order signed by the Sheriff. The prisoner without an order signed by the Sheriff. The prisoner was leit in the hands of the officers who have hitherto had charge of him. In the meantime he is the prisoner of Sub-Sheriff Seebacher, who is personally responsible for his appearance in Court on Monday morning. cheerfully to the Sub-Sheriff. The latter, after

THE REFEREN STREET BUTCHERY.

Testimony of the Chambermaid-The Bodies at the Morgue. Captain Clinchy, of the Fourteenth precinct, yesterday sent before Coroner Keenan, at the City Hall, Sophio Ohlmann, chambermald in the disreputable house 10 Bleecker street, where on Tuesday murdered by having her throat cut with a razer, in the hands of her husband, William Schaefer, who also ended his own existence with the same weapon. A copy of the deposition of the witness,

weapon. A copy of the deposition of the witness, which, however, contains nothing specially important other than already published, will be found below.

Sophia Chimann, being sworn, said:—I was employed as chambermaid at No. 10 Bleecker street; it is an assignation house; on the 4th inst., about eight o'clock P. M., a man and woman came to the door and wanted a room; he said he would stay a good while; I gave them a room on the second floor, front; at about ten or half-past ten o'clock I heard screaming on the third floor; I came down stairs and saw the woman standing in the second story hall; noticed blood on the front of her clothes; I screamed and Mrs. Diefenbach, the landlady, came running up and took hold of the woman, and they fell on the stairs together; I went down stairs and went out of the house, as I was afraid of being killed; I never saw the man or woman before.

Other witnesses will be called to testify in the case.

The bodies of Schaefer and his wife still remain at the Morgue, the codins containing them lying side by side. The bodies present a fearful spectacle. The head of the uniortunate woman is nearly severed from the body, and across the throat of the man there is a frightful gash extending from ear to ear. The uniortunate man was quite respectable in appearance, to judge of his leatures as they look in death. There has been no effort yet made to have the bodies interred.

MARVELLOUS ESCAPE.

Four Men Overtaken by Water and Drifting Ice in a Water Tunnel-Heroic Struggling for Life-The Half-Frozen Men Saved by an Accident.

LOCKPORT, N. Y., Feb. 4, 1873. Four men, in the employ of the Richmond Manufacturing Company, of this city, had a terrific struggle for life in a tunnel which carries water from the Holly Tunnel to furnish motive power for the manufactory, on Sunday night. They had been sent into the tunnel to clean it out, there being a large accumulation of debris, which obstructed the passage of water to the wheels. A to keep the drift ice in the canal from damming up and flooding the tunnel. The man left his post in short time, thinking that there was so little drift running that there would be no danger, and went

About eight o'clock the workmen in the tunnel heard a terrible roaring, as of water rushing through the tunnel, and in a few minutes beheld, by the light of a lantern held by one of them, a huge wall of drift ice and water sweeping towards them. They were horror-stricken at the thought of the possible fate that awaited them, as they had no way to escape from the flood except in the direction from which it was rushing. There was no time to be lost, as the water was gradually rising, surrounding them at first waist-deep. They at once commenced making their way time to be lost, as the water was gradually rising, surrounding them at first waist-deep. They at once commenced making their way back to the entrance. The tunnel is entered from above by a ladder, through an opening. The man with the lantern led the way, and by its fitful gleams they managed to avoid the larger cakes of ice in the way for some time. About half way to the entrance, however, the lantern was extinguished by the surging water. and they were in the deepest darkness. The roar of the water through the contracted channel and the eracking of the ice against the sides of the tunnel is described as having been fearful beyond description. The nearer the struggling men got to the end of the tunnel the deeper the water grew, until they could no longer wade, and were compelled to swim. They were bruised and torn by the jagged ice, and chilled to the bone. But escape could only be made by struggling on against the icy tide.

After nearly an hour's exertion they arrived at the place in the passage where the ladder led to the surface, but, to the horror of the suffering laborers, it was gone, evidently swept away by the flood. Here was a most unexpected and disheartening dilemma. Their only hope of escaping death by drowning was now that the waters might lower; but before that event, if probable, death by freezing surely swaited them. The slimy waits of the tunnel rang with their vain cries for help. There was no answer but the mocking echoes. In this fearful diemma one of the men, named Henry Steiner, while clinging to a juiting rock on one side of the tunnel, brought his hand in contact with something also held by the rock. Grasping hold of it, he found to his joy that it was the ladder lodged against the rock. The announcement of this discovery was received with a joyful shout by the half-frozen men, and the ladder was released from its position and soon thrust upward into the opening. In a very jew minutes the men were out of the noisy passage, which they had all expected to become to them a watery grave.

Encouraging Prospects for the Spring-Prices Probably Lower than Now.

A reporter of the HERALD conversed yesterday with some of the leading representatives of the coal trade of this city. The general feeling seemed to be one of uneasiness. "What will be the next movement of the great coal companies?" this was movement of the great coal companies?" this was evidently the question that pazzled them. The officers of the leading companies, the Reading, Delaware and Hudson, Wikesbarre, Scranton, &c., are very reticent in regard to their future movements. It is claimed that when the Spring prices are promulgated, they will certainly be lower than they are at present—unless something unforescen should transpire. It is impossible to say precisely what the Spring rates will be, but a gentleman who is prominently connected with the coal trade told the reporter that Spring prices will be between twenty-five and fifty cents lower. "The cost of preparing and transporting coal is, of course, much greater in Winter than it is in Spring, and this Winter the difficulties of transportation have been particularly great," this gentleman said to the Herald's representative. "Every indication points to reasonably low figures for home and manufacturing purposes. I believe the Reading Company would be willing to supply any great establishment in the city during the next five years with coals at a price fity cents less than the average price received during the last five years. Next Fall the price of coal will probably be a little higher. Some sixty thousand miners have struck in England and the price of coal has advanced there to 24s, a ton, which is very nearly double the price of former years. The South American trade requires some ten million tons, which have always been supplied from England, but which will have now to be obtained from this country. Large contracts have already been made for shipments from Baltimore, and this will, undoubtedly, make prices higher by next Fall." evidently the question that pazzled them. The offi-

A GANG OF THIEVES BROKEN UP IN

John B. Weiss, of Court street, Newark, was arrested yesterday, charged with being implicated in most of the nine burgiaries for which Feithoff and Minchin are held. All of General Runyen's stolen property has been recovered by the police. More complaints have been made against the prisoners, who are believed to have been the leaders of a regular gang of thieves.

FIAT JUSTITIA.

JOHN GAFFNEY, THE BUFFALO MURDERER.

Preparation for His Execution for the Killing of Patrick Fahey.

History of His Career and Crime-The Attemp to Save His Life—The Prisoner Becomes Insane-Madness with Much Method in It.

Governor Dix Grants a Respite Till the 14th Instant.

BUFFALO, Feb. 5, 1973. In this bustling city by the lake there is a quarter pordering on the canal, which for fith and guilt can fully equal the old Pive Points in New York in their most his oric days. Dens and "dives," reeking with pollution and filled by day and night with men and women, the story of whose whole career might be conveyed in one word—crime—abound on spoint as might drive Mansfield mad with envy, and array themselves in the scant and varieweary sailor, spent with toil, on reaching the end of the raging canal, rests from his labors, gets rid of his hard-earned money in an incredibly short space of time and generally returns to his vessel a sadder and wiser and battered man. Here, of course, King Alcohol reigns supreme, although a slight show is given to the apostles of King Gambrinus. Here rows are of such frequent occurrence as to cause but little comment, or rather, it was so until the 7th day of May last, when one of the worst of the gang which injest this neighborhood was hurried into the presence of his Maker in the gray dawn of the Spring morning. On that morning Patrick Fahey, a young man, twenty-three years of age, was shot and killed by one John Gaffney, a young man, "native and to the manner born," of the beau-

THE STORY OF THE CRIME.

In this section of the town the police are obliged to go in couples, and on the morning of the 7th of May, 1872, Patrolmen Shepherd and Shea heard the report of a pistol from the direction of Canal street—a short, narrow street, which the Buffaloites claim to be the worst for its size on the Continent. They lost no time in getting to the place whence the sounds came, and at the intersection of Canal and Greene streets they found Fahey lying in the gutter, writhing in pain, his face and clothing covered with blood. They lifted him up, placed him in a more comfortable position, but he died in a few seconds. An alarm was given, and with the aid of other officers the body of the murdered man was brought to the station house, and several of the vilest roughs, who were congregated at the only saloon which was open at that time, were arrested. Among them were John Gaffney (the murderer), John Farrell, his brother-in-law; Shang Clark, Curran and a number of others. Each was confined in a separate cell, and

Each was confined in a separate cell, and Police Superintendent Byrne obtained from them several versions of the affray. They were almost perfect know nothings in the case. The Superintendent, however, learned enough to induce him to secure the presence of one John McQueency, alias Quinn, a negro minstrel performer, and from him was obtained evidence which sufficed to fasten the murder on Gaffney and secure his final conviction,

M'QUEENEY'S STATEMENT

shows that Gaffney and he had been making a round of drinking saloons, which wound up at the place where the iatal affray occurred—a low den, kept by a man named Ted Sweeney, in Canal street. There was quite a party in there at the time and a game of poker was commenced. While the play was going on Fahey entered and took a seat near Gaffney. The latter shortly afterwards turned to Fahey and commenced lecturing him about a row which he had created in his (Gaffney's) concert saloon, at the corner of Washington and Carroll streets, some time previous. Some hot words were exchanged, and finally the vituperation and blasphemy brought all parties to their feet. There was great confusion for a moment or two, when Gaffney pulled a pistol and fired at Fahey. He missed his aim, however, and Fahey ran toward the street door and behind a screen, where Gaffney followed and fired two shots in rapid succession. Fahey ran out into the street followed by the others in a helter-skelter way. Fahey fell at the corner; some of the others ran back into Sweeney's and some in other directions, when the officers arrived and found the victions as above stated.

The Coronkey's linguest

tim as above stated.

THE CORONER'S INQUEST

was commenced the next day. A post-mortem examination was made, which showed that one ball had entered the left check and another had entered at the back, passed through the left lung and lodged

inquest, as well as at the subsequent trial, the majorito of the witnesses swore that Fabry had not of May, brought in a verdict finding that Pahry had come to his death by a pistol shot wound at the hands of John Gamey.

Was commenced on the 22th of July. The testimony was mainly the same as that given at the Coroner's inquest, and, atthough the theory of the delence was to show that Gaffiney had no pistol and did not fire the intal shot, yet the jury believed the testimony of McQueeney and on the 2d of August, after being out nearly twenty-four hours, they brought in a verdict of marder in the first degree. The theory of the defence was so peculiar, under the district of the defence was so peculiar, under the district of the defence was so peculiar, under the district of the minds of the law defining the various degrees of homicide, the law defining the various degrees of homicide, the counsel claimed that he was not, they could not bring in a verdict of murder in the third degree, and as there is no middle degree they were obliged to find him guilty in the first degree. On the following day, August 3, he was sentenced to be hung on the 27th of September. Even with the sentence which gave him a lease of life but in the over one month he did not give up hope. His counsel prepared a bill of exceptions, and on the 24th of September obtained from Governor Hofmann a respite of three weeks.

Was founded on the following points:—First, that the jury which tried the case was liegal; that talesmen were summoned to act, instead of names being drawn from the jury list, in the mind of the pury list, in the did not give up hope. His counsel prepared a bill of exceptions, and on the 24th of September obtained from Governor Hofmann a respite of three weeks.

Was founded on the following points:—First, that the jury which tried the case was liegal; that talesmen were summoned to act, instead of religion of the Courtan, made to the Superintendent of Police, which he afterward contradicted on the trial. Third, that during the

faint.

I can find no justification for defeating the execution of the law by the interposition of my authority; and if the expression of my purpose in similar cases will have the can find so purposition of my annuary will have the ression of my purpose in similar cases will have the ression of my purpose in similar cases will have the ression of my purpose in similar cases of committing a highest of crimes, I am willing to have it understood at circumstances of a very extraordinary nature will needed to induce me to interpose for the purpose of nulling the deliberate and well considered determinate of juries and Courts. I am respectfully yours.

JUHN A. DIX.

tion of juries and Courts. I am respectivily yours.

ALL HOPE GONE.

Even yet the doomed man did not despair. He bore himself calmiy and hopefully, and begged his wife to go once more to Albany, see Mrs. Dix, appeal to her womanly heart, her motherly instincts, to plead for his life because of his little children, to whom he is most devotedly attached. She went as he desired, and on Monday night last returned with no hope. Then his proud spirit sank. Death stared him in the face; his foot was already in the grave, and reason began to wander.

CONPESSION OF THE CULPRIT.

From the time of his sentence until Tuesday last Garney has demeaned himself quietly and courteously. On that day he gave the following sketch of his early life, and made a full confession of his crime to a reporter of the Burfalo Courter:—

The prisoner sat down on the cell fleor, close to the grate, and our reporter seated himself, note book ampencil in hand, on a low stool in the corridor, as close the grate as he could conveniently get. Near at hand superintending the scene, sat the day watchman, Mr Krann.

the grate as he could conveniently get. Near at hand, superintending the scene, sat the day watchman, Mr. Knapp.

According to the best of his knowledge Gaffney was born in or about the month of August, 1845, and he is therefore twenty-eight years and five or six months old. His mother's maiden name was Ellen Murphy. His father was James Gaffney. John was born in Buffalo, and his residence has always been in this city, and his residence was the old block known as the White building, which years ago stood on the site now occupied by Miller's livery stable, at the corner of Lock street and the Terrace. Of his father Gaffney knows nothing further than that he has been told that his parent was killed in the Mexican war, two yearser so after his John's) birth. His mother died of the cholera when that disease was prevalent in the city in the year 1832. So at a very early age John was left alone in the world, his home in the lowest portion of the town and with bad associations all around him. When he was a very little boy he peddled about the streets, and for some time assisted in tending bar in a saloon kept by George Humphrey-commonly known as Kingm on Commercial street. For a short time he attended Public School No. 2, where he learned reading and spelling, the extent of his educational acquirements. When about fourteen years old he shipped on the propeller Mary Stewart as forecastle boy, his wages being 33 per month. He salied portons of three scasons respectively on the Mary Stewart, Kenosha and Oriental. When seventeen years of age he was married to Mary Hilly. She bore him two children—John Henry, now five years of age, and Kitty Maria, now three years old. The third child, Nellie, now seven, was adopted by Gaffney when he had a point child, Nellie, now seven, was adopted by Gaffney when he had a point child serve the was again married, to Elizabeth Fossett, his present wife, by whom he had ap children. About seven years ago Gaffney for a time kept a saloon at the corner of reaceck and Evans streets, in partner

Having concluded the narrative of his previous history Gaffney proceeded with the account he had promised o his movements on the night of the murder. He told the story straight and connectedly, requiring few interroga tories to help him along. We give the conversation as it his movements on the night of the murder. He told the story straight and connectedly, requiring few interrogatories to help him along. We give the conversation as it occurred:

REFORTER—How long had you known Quinn, or McQuinnay, the witness who swore against you?

GAFFMEN—I had known him about three weeks. I first met him at Shelby's Theatre.

REFORTER—Go on and tell me how and where you met him that night, and where you went together.

GAFFMEN—I had been on a champagne drunk about three weeks. Before that I hadn't been drunk since New Year's, and before that not for over a year. That evening, about nine o'clock, I went over to Shelby's with Ed. Higgins, Tim Doyle and another, and we had hree or four bottles of champagne. From there we went to Fitzgerald's, and drank beer, after which I returned to my saloon and tended it till twelve o'clock. After shutting up I started to go to my home, on the terrace, next to the police station. On the way I stopped at Thomas' and bought some chars. Then I started again, and at the corner of Main and Exchange met Quinn and another nigger singer like himself, named Hugh McKanny Quinn was a regular whiskey head. He asked where we could get a whiskey head. He asked where we could get a place opin but Thomas', of the started hor what I treated twice, McKanny once, Higgins once, and I think Danny Sullivan once. When we started out an old Scotchman who was there cailed us back and treated. I theu started to go home again, having hold of Quinn's arm and the others following. We went to Johnson & Fields' saloon, near Hanour's, and I think drank four times there. Then Quinn and I quit the others and I started home again. In Iront of my house we stopped and talked a while about the mistrel business. Quinn said he was in tor a spree, and as it was so late didn't want to go to his boarding house, We saw a light in Ladd's (corner of Canal and Evans street) and went down there and drank ale or porter for some time. From there we went to Ted Sweeney's saloon. I treated at the bar and Quinn

GAFFEEV-I stood a little while, then sat down and commenced playing poker. There were six in the game—hohn Ogran, Ed. Gainer, John Parrell, Sam McEirath, Quinn and myself. Reports—Was Quinn in the game?
GAFFEEV-Was, and he owes me \$2 on it to this day: I beat his three kings. Jimmy Jordan, Captain Jerry Sweeney, Fat Sweeney, the bar tender, and another man anned King were also in the saloon. I lost \$5 on the game, all the money I had. Then Fahey came in and at down at my lett. Quinn was also to the left of me, out could not see Fahey, as one of the others was between them.

SAT down at my relief to the others was between them.

REPORTER—What did you know of Fahey?

GAPPREY—He was a bad man, just like his cousin, who cut the six men. He had been in Kingston Prison over two years for cutting a man at Fort Erie, and before that had been six months in the Workhouse for the Lapping and sixty days for assault and battery. Once he cut a man most to pieces near the Bennett elevator. That very night I was told he had stolen \$50 on Exchange street, and a short time before he kitcked his woman so that she has since died. The only trouble I had had with him was in January, when he came in my sail-on and was disorderly, refusing to pay for his drinks. I passed it over at the time and made no trouble with him. I have never sought to quarrel with anybody. I was drunk when Fahey came in Sweeney's, and I said to him. You thought you was an awful fellow that night you was to my house. "He said, "What's the matter with you." I then said, "Nothing's the matter with me, but when you come to my house I want you to behave yourself and not try to trip people un," or something like that. He then said I was damhed liar, and I said I was no more of a than he. One word brought on another, and he came a lying son of a bitch, and lumbed up, I suppose, to me. Just be ore that I had lost money on my han was drunk, excited and mad. Quinn swore I drew opistol. I had none, and had not carried one for a hine. Then that man Farrell, who is now in Sta Prison, bent over and showed me his pistol, saying. "It if you want it." I think those were the words. It crazy with excitement and liquor, and could not he hold If I had a pistol in my hand or a pair of tongs. Resoursal like a dream to me.

Resoursal—I don't know. It seems I did not hit then.

GAPPREX—I don't know. It seems I did not hit him then.

REPORTER—Then what happened outside the screen?

GAPPREY—I can't tell which got out first, and I don't know how I fired. When I saw what I had done I sobered up in a minute and I said, "My God Aimighty! What have I done? O, my little children, what will become of them?" And to Farrell, "My God Aimighty you to give me that in the heat of passion?" I then ran for water, and told some one to go for a doctor. I was not arrested at all. I walked up to the station myself. What I have told about this is true, on the word of a dying man.

come of them?" And to Farrell, "What sort of man are you to give me that in the heat of passion?" I then ran ior water, and told some one to go for a doctor. I was not arrested at all. I walked up to the station myself. What I have told about this is true, on the word of a dying man.

Represended to have any intent whatever to kill Phy?

GAFFMST—My God, how could I if I had only stopped one moment to, hink of my children?

Reprostra—You were never charged with stealing were you, Gaffiney?

GAFFMST—Never. I never stole a cent's worth in my life. My record is clear. I never was in prison but once before, and that was a lew days for something that an one of the control of the covernor?

GAFFMST—Never. I never was in prison but once before, and that was a lew days for something that an one of the control of the covernor?

GAFFMS—One was a woman who fell into the river, near Navy Island, from the Hattle Brown; I jumped overboard and brought her in. The other was a girl that I saved from drowning at Fort Eric. we was now about up, and the control of the control

Szerios 16.—If after any convict shall have been sentenced to the punishment of death he shall become insane, the Sherif of the county, with the concurrence of a Justice of the Supreme Court, or, if he be absent from the county, with the concurrence of the County Judge of the county in which the conviction was had, may summons a jury of twelve electors to inquire late such in.

Size, 18.—The inquisition of the jury shall be signed by them and the Sheriff. It it be found by such inquisition of the jury shall be signed by them and the Sheriff. It it be found by such inquisition that such convict is insane, the Sheriff shall suspend excution of the warrant directing the death of such convict until he shall receive a warrant from the Governor of this state or from the Justices of the Supreme Court, directing the execution of such convict.

Sec. 19.—The Sheriff shall immediately transmit such inquisition to the Governor, who may, as soon as he shall be convinced of the sanity of such convict, issue a warrant appointing a time and place for his execution, pursuant to his sentence.

Inquiry as to the Sanity of the Prisoner-Doctors Disagree as Usual-Gov-

14th Instant.

ernor Dix Grants a Respite Till the

BUFFALO, Feb. 6, 1873. Sheriff Cleveland telegraphed to Governor Dix asking for a respite until the question of his sanity could be fully determined. To this Governor Dix eturned a prompt refusal. Subsequently physicians were summoned by the Sheriff to examine the prisoner and telegraphed to the Governor for time, in compliance with the requirements of the law in such cases, the Sheriff summoned a jury. composed of most intelligent and highly respect composed of most intelligent and highly respected citizens, to try the issue. This inquisition met this afternoon and were duly sworn by the Sheriff. District Attorney Williams appeared for the people, and Judge Talcott, of the Supreme Court of Erie county, gave his presence. Only one physician out of five swore positively that he believed the prisoner insane. The others said there was not sufficient time allowed them to decide between real and simulated insanity. During the investigation at telegram was received from Governor Dix granting, on the recommendation of the physicians, a respite until Friday, 14th inst. The Sheriff thereupon adjourned the further hearing until Tuesday morning, to enable the medical experts from abroad time to be here to examine the prisoner and testify. The excitement in the city relative to the matter is high.

BOARD OF ALDERMEN.

All Free Lamps Extinguished-A Reconstruction of the City Hall-The New York Hospital for Public Offices.

The usual weekly meeting of this Board was held yesterday, President Vance in the chair.

THE LAW AS TO STREET RAILROADS. Alderman Billings moved that the Corporation Counsel furnish the particulars of acts relating to street railroads and public conveyances. The resolution was adopted.

PUTTING OUT THE LIGHT.

Alderman Billings moved a resolution authorizing the Commissioner of Public Works to notify the different gas companies that no bills for gas furnished for lighting any lamp in front of any hotel, saloon, club house, armory, private or public schoolhouse, stable, private building or grounds, church, charitable, educational, correctional or

church, charitable, educational, correctional or other institutions shall be allowed or paid by the city. The gaslamps on which advertisements are placed, and which lamps are lit at the public expense, were ordered to be removed by the same Commissioner. The resolution was adopted.

NEW YORK HOSPITAL.

The report of the committee, with resolutions recommending the leasing of the above building, at the northeast corner of Church and Duane streets, for the use of the city for public offices for twenty-one years, at \$25,000 per year, was laid over.

REMOVAL OF OBSTRUCTIONS.

Alderman VAN SCHAICK moved that the Commissioner of Public Works be directed to remove all obstructions in the public roads that are not permitted to be there by ordinance, and in default of such removal to sell such articles or materials to deiray the expenses. Adopted.

such removal to sell such articles or materials to deiray the expenses. Adopted.

CITY SURVEYOR.

Mr. John S. Clarke, on the nomination of Alderman Cooper, was elected City Surveyor.

FREE RAILROAD PASSES FOR THE ALDERMEN.

Alderman VAN SCHAICK moved a resolution authorizing the Clerk of the Board to write to the different railroad companies, stating that the members of the Board did not require any free passes on the various railroad lines. The motion was lost on a division.

THE ALTERATIONS IN THE CITY HALL.

The apecial committee appointed by both Boards of Aldermen brought up a report in reference to a reappropriation of the rooms in the City Hall, to which the following resolution was attached:—

Resolved, That the Commissioner of Public Works be

reappropriation of the rooms in the City Hall, to which the following resolution was attached:—
Resolved, That the Commissioner of Public Works be and he is hereby authorized to take possession of all that portion of the City Hall and the ecuped as offices by the Mayor of the Chamber of the ecuped as offices by the Mayor of the Board of Assistant Addermen, the Chamber of the Board of Assistant Addermen, the Commissioner of Jurors—which is to be added to the Governor's Room—the rooms at the present occupied by the Commissioner of Jurors—which is to be added to the governor's Room—the rooms attaining the committee room of the Board of Addermen, now occupied by the Keeper of the City Hall lying south of the passage way through the same; and that portion so taken should be used exclusively by and for the Department of Public Works, and the said Commissioner is hereby further authorized and empowered to excavate about the basement of the building, and create an area-way, to be covered with an iron grating, or sufficient width and depth to prevent dampness and cause proper ventilation for the establishment of commodious offices; also to secure said basement and to prepare and arrange the apartments set apart, so as to be best adapted, in his opinion, for the service of asid Department and offices above mentioned; the work to be done by contract or otherwise, as he may deem for the lest intereste of the city; the expense thereof to be taken from the appropriation for "Public buildings, constructing and repairs," and the Comptroller is hereby authorized and directed to draw his warrants, upon the requisition of said Commissioner, for the expense so incurred.

The Board adjourned until Monday next, at three o'clock.

NEW JERSEY LEGISLATURE.

The Great Scandal of the Session-Revenge on Sheriff Reinhardt-An Atmospheric Railway Across the State-Dr. McCosh on Education. There was a very scanty attendance of members

in both houses yesterday morning. The Committee on the Juvenile Reformatory at Jamesburg had gone to visit that institution, and the Normal School commencement attracted many members te Taylor Hall.

The first regular business of the session in the Assembly was a motion to make reparation in some manner for the scandal of the previous daythe insult offered by the House to the judiciary of New Jersey. Mr. Morrow moved to re consider the vote by which the convicted Police Commissioners of Jersey City were restored to citizenship, but the motion was laid upon the table. The attack of Ryder on Judge Bedle was the leading topic of conversation. That the attack was sustained by a vote of the House it was deleading topic of conversation. That the attack was sustained by a vote of the House it was declared would be ever a stigma on the republican majority. A few republicans, however, like Howell and Eldridge, resented the issue thus raised, and stated that they could not shoulder the disgrace. Howell appealed, but in valu, to the good sense of the House, and asked whether it would be politic to sit in judgment upon the action of the Judge who tried the case. As Ward, of Sussex, arose there was a hush in the galleries as well as on the floor. His face was flushed with indignation, and when he pronounced the words "Mr. Speaker" he raised his clenched hand, and it was some moments before he could suppress his excitement and proceed. He regarded the question as too selemn and grave for any lengthy speech. Words had lost their meaning with him. "But, I want to see," he thundered out, "I any legislature will step between the Grand Jury and the criminal. I do protest against this being made a partisan measure. It is outrageous for men to come here and ask this House to excuse men from the penaltees of crimes." Nevertheless the bill was passed by 34 to 21. Patterson, of homeouth, not understanding till the House had adjourned that a worthy son of old Monmouth was attacked during the debate, became furious, and when the bill comes to be reconsidered he intends to be heard.

The bill regarding Jersey City, which is considered the mest outrageous yet passed, is that which deprives the Sherin of the power to select juries, especially grand juries. It is said to be designed by the Ring as an act of revenge on Sheriff Reinhard, who gave to Jersey City, the famous Grand Jury a year ago. Ever since then, however, he has made concessions by selecting grand juries equally famous for doing nothing. If the bill be not killed in the Senate the Governor will most certainly veto it.

The great railroad factions enjoyed a cessation of hostilities yesterday.

In the Senate a bill was introduced to incorporate the New Jersey Atmospheric Rai clared would be ever a stigma on the republican

SERIOUS CHARGE AGAINST A DEPUTY

Yesterday afternoon Coroner Keenan commenced an investigation into the circumstances attending the death of Mrs. Margaret Gordon, late of 79 Goerck street, who died on the 1st instant, of 79 Goerek street, who died on the 1st instant, as alleged, from miscarriage, superinduced by lin-juries. It appears that a Deputy Marshal, whose name does not appear, had a writ of ejectment er other process against Gorden, and went to the house to execute it, but in the discharge of his duty Mrs. Gordon interfered with him, and in pushing her aside she fell. In the opinion of Dr. Breiman, who attended Mrs. Gordon, her death was caused by metro-perionitis, the result of miscarriage from the injudes received. The matter will be further investmated.